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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**



B5

DATE: Office: TEXAS SERVICE CENTER
AUG 13 2012

FILE:



IN RE: Petitioner:
Beneficiary:



PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

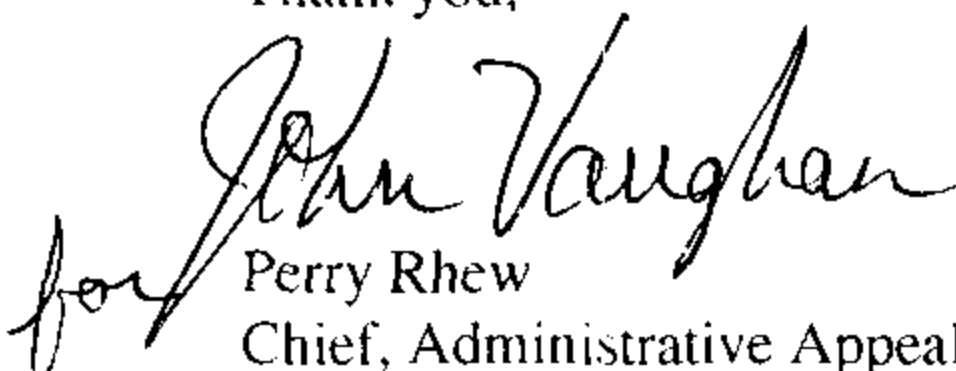


INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the Form I-140, Immigrant Petition for Alien Worker, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is an individual who is filing a Form I-140, Immigrant Petition for Alien Worker, in his own behalf. He seeks to become employed permanently in the United States as an architect pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act). 8 U.S.C. § 1153(b)(2).

In a decision dated July 30, 2010, the director determined that a Form I-140 for this classification must be filed by a United States employer, who could not also be the beneficiary of the petition. The director also determined that the petition could not be approved because it was not accompanied by a labor certification approved by the United States Department of Labor (USDOL).

Section 203(b)(2) of the Act provides immigrant classification to members of the professions holding advanced degrees or their equivalent and whose services *are sought by an employer* in the United States. The classification sought by the petitioner is not one in which a person may file for oneself. Only an employer may file a petition for classification under this provision of law. *See* 8 C.F.R. 204.5(c).

Even had the law allowed the petitioner to file a Form I-140 for himself under this classification, he could not have obtained an individual labor certification approved by the USDOL, as required by USCIS regulation at 8 C.F.R. § 204.5(a)(2), because labor certifications are only approved for self-employed persons and employing organizations who are seeking additional workers.

The burden of proof in these proceedings rests solely with the petitioner. *See* section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not met that burden.

ORDER: The appeal is dismissed.